IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12391 of 2004

Between:

Jala Buchaiah s/o Jala Durgaiah
R/o. Champapet Village Saroornagar Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 The Joint Collector Ranga Reddy District.
2 The Mandal Revenue Officer Saroornagar Mandal
Ranga Reddy District.
3 Dasari Manemma W/o.Late Narayan Reddy
R/o.1-8, Champapet, Village, Saroornagar Mandal Ranga Reddy District.
4 Dasari Ramana Reddy W/o.Late Narayan Reddy
R/o.1-8, Champapet, Village, Saroornagar Mandal Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus: i) declaring the proceedings in Case No.F2/2215/2004 dated 15.6.2004 of the Respondent No.1 as arbitrary, illegal, violative of the articles 14, 21 and 300A of the Constitution of India and consequently set aside the proceedings dated 15.6.2004 in case No.F2/2215/2004 of the Respondent No.1; and be pleased to pass.

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.2: GP FOR REVENUE

The Court made the following:

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ORDER:

Heard both sides and at their request, the writ petition itself is taken up for disposal.

This writ petition is filed seeking a writ of Mandamus to declare the proceedings in Case No.F2/2215/2004, dated 15-06-2004 of the first respondent as illegal, arbitrary and consequently to set aside the same.

It is not in dispute that the petitioner obtained a succession certificate under Section 40 of the A.P. (Telangana Area) Tenancy and Agriculture land Act, 1950 (for short 'the Act') and filed an application for initiation of proceedings under Section 32 of the Act for recovery of possession, and accordingly second respondent-Mandal Revenue Officcer, Saroornagar, initiated proceedings. While so, questioning the grant of said succession certificate, respondents 3 and 4 filed an appeal before the first respondent-Joint Collector. The first respondent-Joint Collector took the said appeal on file and also granted stay of further proceedings under Section 32 of the Act. Questioning the same the present writ petition is filed.

Learned Counsel for the petitioner submitted that the first respondent-Joint Collector at the most suspended the succession certificate granted in favour of the petitioner. Since no appeal is preferred against the initiation of proceedings under Section 32 of the Act, the said proceedings cannot be stayed.

I see no force in the above submission, since the basis for initiation of proceedings under Section 32 of the Act is the succession certificate granted in favour of the petitioner as heir of the protected

tenant. In view of the fact that the first respondent-Joint Collector is empowered to safeguard the interests of the parties pending consideration of the appeal before him, he can grant necessary interim direction to preserve the rights of the parties. The order so passed does not suffer from any infirmity. I see no merit in the writ petition and the same is accordingly dismissed at the admission stage.

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19-07-2004

ghn/tsnr

To

1 The Joint Collector Ranga Reddy District.
2 The Mandal Revenue Officer Saroornagar Mandal
Ranga Reddy District.

3. Two CCs to the Government Pleader for Revenue.

4. Two CD copies